

RECEIVED

JAN 13 2017

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)  
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:

*Dean v. Takeda Pharmaceuticals  
America, Inc., et al*

Civil Action No. 6:12-cv-01608

MAGISTRATE JUDGE HANNA

**RULING**

Magistrate Judge Patrick Hanna filed a Report and Recommendation [Rec. Doc. 208; MDL Rec. Doc. 6698] in the captioned matter on December 12, 2016, in which he recommended that this Court grant plaintiff Frank Dean's motion to dismiss his claims – both individually and on behalf of his late wife, Beatrice Dean – with prejudice, in light of Mr. Dean's oral motion to do so. For the reasons given below, this Court adopts the Report and Recommendation and dismisses the plaintiff's claims with prejudice.

As set out in the Report and Recommendation, Mr. Dean was represented by Douglas Plymale of The Plymale Law Firm in this litigation. Mr. Plymale filed a motion to withdraw as counsel of record [Rec. Doc. 202], and as a result Magistrate Judge Hanna ordered Mr. Dean and Mr. Plymale to appear in court on December 12, 2016 [Rec. Doc. 203]. Mr. Plymale appeared by phone, and Mr. Dean appeared in person, however, after the telephonic portion of the hearing had concluded. While present, Mr. Dean made an oral motion to dismiss his lawsuit.<sup>1</sup> On the basis of these developments, Magistrate Judge Hanna issued a Report & Recommendation [Rec. Doc.

---

<sup>1</sup> While Mr. Dean's expression of his intent was potentially ambiguous, this Court interprets Mr. Dean's statement of intent to mean he wishes to dismiss the suit in its entirety. The transcript reflects that Magistrate Judge Hanna asked Mr. Dean "Do you want to dismiss this lawsuit?" and Mr. Dean's response was "That's fine." [Rec. Doc. 210, pp. 26-27].

208; MDL Rec. Doc. 6698] on December 12, 2016, recommending that this Court (1) grant Mr. Plymale's motion to withdraw [Rec. Doc. 202] and (2) dismiss Mr. Dean's claims on behalf of his late wife, with prejudice.

Considering the facts described above, the desire to dismiss expressed by Mr. Dean, and that no objections to the Report and Recommendation have been lodged in the time allotted therefor, this Court hereby adopts Magistrate Judge Hanna's Report and Recommendation.

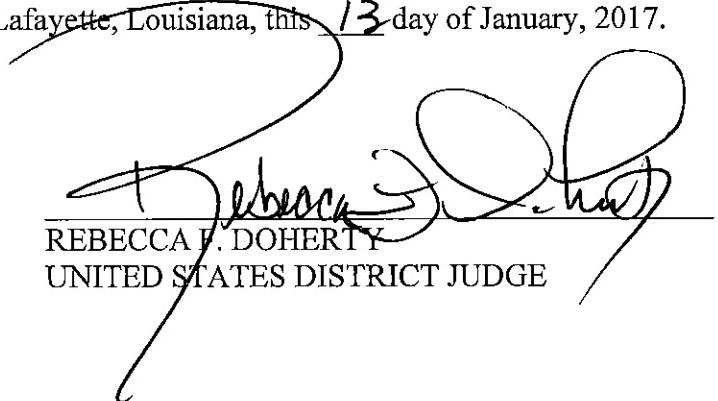
IT IS HEREBY ORDERED Mr. Plymale's motion to withdraw [Rec. Doc. 202] is GRANTED.

IT IS FURTHER ORDERED Mr. Dean's oral motion to dismiss is GRANTED.

IT IS FURTHER ORDERED the claims of Frank Dean, individually and on behalf of Beatrice Dean, are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Mr. Dean at his last known address, 2300 Whitney Drive, Monroe, LA 71201, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 13 day of January, 2017.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE